

WISCONSIN STATE ASSEMBLY

2021–2022 Regular Session

Assembly Committee on Campaigns and Elections

LEGISLATIVE SUBPOENA AND SUBPOENA *DUCES TECUM*

State of Wisconsin)
)ss
County of Waukesha)

THE STATE OF WISCONSIN TO:
Trina Zanow, Administrator and CIO
Wis. Department Of Administration
DIVISION OF ENTERPRISE TECHNOLOGY

PURSUANT TO LAW, YOU ARE COMMANDED TO be and appear before the Wisconsin State Assembly's designee, the **SPECIAL COUNSEL**, on **January 14, 2022, beginning at 9:30 a.m. at 200 South Executive Drive, STE. 101, Brookfield, Wisconsin**, to produce to the Assembly's designee, the **SPECIAL COUNSEL**, the documents and other items identified on the attached schedule; and you are not to depart or deviate from the terms of this subpoena without leave of the **SPECIAL COUNSEL**.

Failure to comply with this subpoena may constitute contempt of the legislature and is subject to punishment, including incarceration or the levy of attorney's fees and costs.

AUTHORIZATION

BY: _____
REP. ROBIN VOS, Speaker
Wisconsin State Assembly

BY: _____
EDWARD BLAZEL, Chief Clerk
Wisconsin State Assembly

Signed at _____,
Wisconsin on this _____ DAY of
DECEMBER, 2021.

Signed at _____,
Wisconsin on this _____ DAY of
DECEMBER, 2021.

Committee Designee:

Michael Gableman,
SPECIAL COUNSEL TO THE WISCONSIN ASSEMBLY
P.O. Box 510766
New Berlin, WI. 53151
(262) 202-8722
coms@wispecialcounsel.org

SCHEDULE TO SUBPOENA *DUCES TECUM*

In accordance with the attached definitions and instructions, you, are hereby required to produce the documents and other items listed below, for the time period August 1, 2020, to December 30, 2020 ("the Requested Period")

In lieu of personal appearance, compliance with this subpoena may be satisfied by emailing the requested records to coms@wispecialcounsel.org or by mailing them to 200 South Executive Drive, STE. 101, Brookfield, Wisconsin (53005)

DOCUMENT PRODUCTION DEFINITIONS AND INSTRUCTIONS

1. In complying with this subpoena, produce all responsive documents, that are in your possession, custody, or control, whether held by you or your past or present agents, employees, and representatives acting on your behalf. Produce all documents that you have a legal right to obtain, that you have a right to copy, or to which you have access, as well as documents that you have placed in the temporary possession, custody, or control of any third party.
2. Requested documents, and all documents reasonably related to the requested documents, should not be destroyed, altered, removed, transferred, or otherwise made inaccessible to the Office of the Special Counsel (OSC).
3. In the event that any entity, organization, or individual denoted in this request is or has been known by any name other. than that herein denoted, the request shall be read also to include that alternative identification.
4. The OSC's preference is to receive documents in a protected electronic form (i.e., password protected hard drive, password protected CD, memory stick, thumb drive, or secure file transfer) in lieu of paper productions. Electronic document productions should be prepared according to the following standards:
 - a. If the production is completed through a series of multiple partial productions, field names and file order in all load files should match.
 - b. All electronic documents produced to the OSC should include the following fields of metadata specific to each document, and no modifications should be made to the original metadata:

BEGDOC, ENDDOC, TEXT, BEGATTACH, ENDATTACH, PAGECOUNT, CUSTODIAN, RECORDTYPE, DATE, TIME, SENTDATE, SENTTIME, BEGINDATE, BEGINTIME, ENDDATE, ENDTIME, AUTHOR, FROM, CC, TO, BCC, SUBJECT, TITLE, FILENAME, FILEEXT, FILESIZE, DATECREATED, TIMECREATED, DATELASTMOD, TIMELASTMOD, INTMSGID, INTMSGHEADER, NATIVELINK, INTFILPATH, EXCEPTION, BEGATTACH.

Documents produced to the OSC should include an index describing the contents of the production. To the extent more than one CD, hard drive, memory stick, thumb drive, zip file, box, or folder is produced, each should contain an index describing its contents.

7. Documents produced in response to this request shall be produced together with copies of file labels, dividers, or identifying markers with which they were associated when the request was served.

8. When you produce documents, you should identify the paragraph(s) or request(s) to which the documents respond.

9. The fact that any other person or entity also possesses non-identical or identical copies of the same documents shall not be a basis to withhold any information.

10. The pendency of or potential for litigation shall not be a basis to withhold any information.

13. If compliance with the request cannot be made in full by the specified return date, compliance shall be made to the extent possible by that date. An explanation of why full compliance is not possible shall be provided along with any partial production, as well as a date certain as to when full production will be satisfied.

14. In the event that a document is withheld on any basis, provide a log containing the following information concerning any such document: (a) the reason it is being withheld, including, if applicable, the privilege asserted; (b) the type of document; (c) the general subject matter; (d) the date, author, addressee, and any other recipient(s); (e) the relationship of the author and addressee to each other; and (f) the basis for the withholding.

15. If any document responsive to this request was, but no longer is, in your possession, custody, or control, identify the document (by date, author, subject, and

recipients), and explain the circumstances under which the document ceased to be in your possession, custody, or control. Additionally, identify where the responsive document can now be found including name, location, and contact information of the entity or entities now in possession of the responsive document(s).

16. If a date or other descriptive detail set forth in this request referring to a document is inaccurate, but the actual date or other descriptive detail is known to you or is otherwise apparent from the context of the request, produce all documents that would be responsive as if the date or other descriptive detail were correct.

17. This request is continuing in nature and applies to any newly discovered information. Any record, document, compilation of data, or information not produced because it has not been located or discovered by the return date shall be produced immediately upon subsequent location or discovery.

18. All documents shall be Bates-stamped sequentially and produced sequentially.

19. Upon completion of the production, submit a written certification, signed by you or your counsel, stating that: (1) a diligent search has been completed of all documents in your possession, custody, or control that reasonably could contain responsive documents; and (2) all documents located during the search that are responsive have been produced to the OSC.

DEFINITIONS

- A. The term **"Office of the Special Counsel" ("OSC")** means Michael J. Gableman in his official capacity as the Special Counsel duly appointed by the Wisconsin State Assembly to investigate matters related to the November 3, 2020, General Election in Wisconsin and related matters, as well as individuals employed by and/or acting on behalf of that Office.
- B. The terms **"you," "your," or "yours"** means you in your individual capacity, you in your capacity as Administrator and CIO, you in your capacity as an agent, officer, or employee of the Division of Enterprise Technology, and the Division of Enterprise Technology itself, including the Division's employees, its agents, owners, officers, directors, employees, former employees, and subsidiaries, or any entities that have previously acted or are presently acting on its behalf.
- C. The term **"person(s)"** means any natural person or any business, proprietorship, firm, partnership, corporation, association, organization, or other Entity. The acts of a Person include the acts of directors, officers, owners,

members, employees, agents, attorneys, or other representatives acting on the Person's behalf.

- D. The term "**document**" means any written, recorded, or graphic matter of any nature whatsoever, regardless of classification level, how recorded, or how stored/displayed (e.g. on a social media platform) and whether original or copy, including, but not limited to, the following: memoranda, reports, expense reports, books, manuals, instructions, financial reports, data, working papers, records, notes, letters, notices, confirmations, telegrams, receipts, appraisals, pamphlets, magazines, newspapers, prospectuses, communications, electronic mail (email), contracts, cables, notations of any type of conversation, telephone call, meeting or other inter-office or intra-office communication, bulletins, printed matter, computer printouts, computer or mobile device screenshots/screen captures, teletypes, invoices, transcripts, diaries, analyses, returns, summaries, minutes, bills, accounts, estimates, projections, comparisons, messages, correspondence, press releases, circulars, financial statements, reviews, opinions, offers, studies and investigations, questionnaires and surveys, and work sheets (and all drafts, preliminary versions, alterations, modifications, revisions, changes, and amendments of any of the foregoing, as well as any attachments or appendices thereto), and graphic or oral records or representations of any kind (including without limitation, photographs, charts, graphs, microfiche, microfilm, videotape, recordings and motion pictures), and electronic, mechanical, and electric records or representations of any kind (including, without limitation, tapes, cassettes, disks, and recordings) and other written, printed, typed, or other graphic or recorded matter of any kind or nature, however produced or reproduced, and whether preserved in writing, film, tape, disk, videotape, or otherwise. A document bearing any notation not a part of the original text is to be considered a separate document. A draft or non-identical copy is a separate document within the meaning of this term.
- E. The term "**communication**" means each manner or means of disclosure or exchange of information, regardless of means utilized, whether oral, electronic, by document or otherwise, and whether in a meeting, by telephone, facsimile, mail, releases, electronic message including email (desktop or mobile device), text message, instant message, MMS or SMS message, message application, through a social media or online platform, or otherwise.
- F. The term "**owned, leased, and/or used**" means its plain language and as owns, leases, or uses as well as describing the person or entity that has control of the item

- G. The term **“entity”** means corporation, company, firm, partnership, joint venture, association, governmental body or agency, or Persons other than a natural Person.
- H. The terms **“concerning,” “associated with,” “relate to,” “related to,” and “relating to”** mean in whole or in part concerning, reflecting, alluding to, mentioning, regarding, discussing, bearing upon, commenting on, constituting, pertaining to, demonstrating, describing, depicting, directly or indirectly relating to, summarizing, containing, embodying, showing, comprising, evidencing, refuting, contradicting, analyzing, identifying, stating, dealing with, and/or supporting.
- I. The terms **“any” and “all”** are to be construed to mean both any and all.
- J. The terms **“and” and “or”** are to be construed conjunctively and disjunctively, whichever makes the request for documents and things most inclusive.
- K. The term **“including”** is to be construed to mean without limitation.
- L. The term **“number.”** The use of the singular form of any word includes the plural and vice versa.
- M. The term **“third party”** includes, but is not limited to, customers and potential customers, vendors, retailers, distributors, consultants, testing and/or manufacturing and testing facilities, manufacturers, and sales representatives.
- N. The terms **"machine(s)," "computer(s)," and "electronic device(s)"** mean any electronic device that is capable of storing, transmitting, or receiving electronic information, including tablet computers, desktop computers, voting machines, mobile telephones, and servers, and includes any software programs, source codes, or encryption keys that are necessary to perform those functions.

DOCUMENTS AND RECORDS TO BE PRODUCED

Items to be Produced

1. A forensic image of any and all servers, computers, hard drives, electronic storage devices, or any other electronic medium which stores, houses, contains, or maintains data for:

- A. The Wisconsin Election Commission
 - B. City of Green Bay, Wisconsin.
 - C. City of Kenosha, Wisconsin.
 - D. City of Racine, Wisconsin.
 - E. City of Milwaukee, Wisconsin.
 - F. City of Madison, Wisconsin.
2. All documents or items in any form that are related to and/or concerning a Wisconsin election for the Requested Period or a candidate for a past, present, or future Wisconsin election.
 3. All activity reports from the Requested Period which reference or relate to and/or concerns all modifications and updates made on any web or internet application owned, leased, controlled, or used by **WEC, the City of Green Bay, the City of Milwaukee, the City of Kenosha, the City of Racine, or the City of Madison**, and/or in use for the 2020 election as well the IP (internet protocol) addresses from which the modifications and/or updates originated and the IP (internet protocol) addresses to which the modifications and/or updates were destined.
 4. All outgoing and incoming file transfers that occurred during the Requested Period on any servers that were owned, leased, controlled, or used by **WEC, the City of Green Bay, the City of Milwaukee, the City of Kenosha, the City of Racine, or the City of Madison**, including all details of the file including content, file type, and time stamp of transfer.
 5. Records of all individual and/or group file updates and modifications that during the Requested Period on any servers owned, leased or in use by **WEC, the City of Green Bay, the City of Milwaukee, the City of Kenosha, the City of Racine, or the City of Madison** including content and file type of any archived version as well as content, file type, and timestamp of the updated version.
 6. All backups of all programs related or referenced to or concerning a Wisconsin election or a candidate for a past, present, or future Wisconsin election during the Requested Period.
 7. All backups of all programs related or referenced to or concerning a Wisconsin election or a candidate for a past, present, or future Wisconsin election during the Requested Period.
 8. All documents, letters, papers, electronic information, electronic data, or tangible items associated with the active directory for **WisVote** during the Requested Period.

9. A list, or if a list does not exist, all data related to, all persons on **WisVote** Systems who were reactivated as a voter or a person eligible to vote from a deactivated or inactive status during the Requested Period.
 - A. For all such persons, provide all documents, letters, papers, electronic information, electronic data, tangible objects, and/or source code related to or concerning the reactivation.
10. A list, or if a list does not exist, all data related to or concerning, all persons on **WisVote** Systems detailed in number two who were deactivated as a voter or person eligible to vote during the Requested Period.
 - A. For all such persons, provide all documents, letters, papers, electronic information, electronic data, tangible objects, and/or source code related to or concerning the deactivation.
11. A list, or if a list does not exist, all data related to or concerning, all persons on **WisVote** Systems who were activated (as opposed to reactivated) as a voter or a person eligible to vote during the Requested Period.
 - A. For all such persons, provide all documents, letters, papers, electronic information, electronic data, tangible objects, and/or source code related to or concerning the activation.
12. A list, or if a list does not exist, all data related to or concerning, all persons on **WisVote** Systems detailed in number four who were deactivated as a voter or person eligible to vote for the time period during the Requested Period.
 - A. For all such persons, provide all documents, letters, papers, electronic information, electronic data, tangible objects, and/or source code related to or concerning the deactivation.
13. Any and all documents pertaining to the identities of individual machines, computers, or electronic devices owned, leased, or operated for the purposes of a Wisconsin election by **WEC, the City of Green Bay, the City of Milwaukee, the City of Kenosha, the City of Racine, or the City of Madison** and its employees and agents that were present in the State of Wisconsin or that communicated with any person, machine, or computer within the State of Wisconsin during the Requested Period ("**Subject Devices**"), including machine or computer name, machine or computer type, machine or computer serial number, software name, software type, software serial number, and persons to whom such machines and computers were sold, leased, or assigned.

14. Any and all documents pertaining to the identities of individual machines, computers, or electronic devices owned, leased, or operated for the purposes of a Wisconsin election by **WEC, the City of Green Bay, the City of Milwaukee, the City of Kenosha, the City of Racine, or the City of Madison** and its employees and agents that are currently present within the State of Wisconsin including machine or computer name, machine or computer type, machine or computer serial number, software name, software type, software serial number, and persons to whom such machines and computers were sold, leased, or assigned.
15. All internet protocol (IP) address for all Subject Devices that communicated with any other machine in the State of Wisconsin during the Requested Period including the date and time of the communication as well as information that was communicated.
16. Any and all communications between any of the Subject Devices described in Item 1 above and the State of Wisconsin's "**WisVote**" statewide election management and voter registration system that were sent or received during the Requested Period.
17. Any and all communications between any of the Subject Devices described in Item 1 above and any machines, computers, or electronic devices owned, leased, or operated by **Command Central, LLC**, that were sent or received during the Requested Period.
18. Any and all communications between any of the Subject Devices described in Item 1 above and any machines, computers, or electronic devices owned, leased, or operated by **Dominion Voting Systems, Inc.**, that were sent or received during the Requested Period.
19. Any and all information about individual voters in the State of Wisconsin for the Requested Period that is or was stored on the Subject Devices described in Item 1 above, including any such information that has been deleted from those Subject Devices but that is capable of being recovered.
20. Any and all security logs for the Subject Devices pertaining to the Requested Period.
21. Any and all software updates that were sent to, received by, or installed on the Subject Devices for the Requested Period.

22. All trouble tickets, responses, and associated log files related to election operations during the Requested Period in Wisconsin.
23. All update files deployed any Subject Devices located in Wisconsin during the Requested Period including, but not limited to, the update files themselves, the procedures on how to deploy the update, the release notes for the update, log files indicating the progress of update deployment, and what employee deployed the update along with the means it was deployed.
24. Any list or roster, or if a list does not exist, all employment, contractual, or pay information for any **Election Systems and Software, LLC, Dominion Voting Systems, Inc., and/or Command Central, LLC**, employees, contractors, affiliates, or volunteers (paid or unpaid) responsible for supporting election operations in Wisconsin during the Requested Period.
25. Any database, document, or raw data that shows Subject Devices that have network access for the purpose of transmitting vote totals between networked systems. This includes, but is not limited to, any data (IP, MAC, APN, IMEI, IMSI, Phone number, serial number) associated with **Command Central LLC, Dominion Voting System, and Election Systems and Software, LLC**, machines deployed in Wisconsin.
26. Any and all emails, phone logs, text messages, or other types of communications with **Command Central LLC, Dominion Voting System, and Election Systems and Software, LLC**, personnel on either corporate email accounts or personal accounts.
27. Forensic image of the election management system (EMS) for **WEC, the City of Green Bay, the City of Milwaukee, the City of Kenosha, the City of Racine, or the City of Madison** and any associated storage devices or workstations used to run the 2020 general election as well as any backups of the same system(s).
28. Any and all communications located on any Subject Device during the Requested Period that are related to and/or concerning the 2020 General Election for federal and Wisconsin State candidates held on November 3, 2020, and/or any future Wisconsin election including but not limited to communications with or related to:
 - a. Any federal, state, county, or municipal official or employee;
 - b. Any candidate for federal, state, county, or municipal office;
 - c. Any person or entity with the domain or email address containing "@wisconsin.gov";

- d. The National Vote at Home Institute
- e. Amber McReynolds
- f. Hillary Hall
- g. Michael Sptizer Rubenstein
- h. Any person or entity with the domain or email address containing “@voteathome.org”
- i. The Center for Tech and Civic Life, Inc. ("CTCL")
- j. Tiana Epps-Johnson
- k. Dennis Granadas
- l. Quickbase, Inc.
- m. Harrison Hersch
- n. Any person or entity with the domain or email address containing “@quickbase.com”
- o. States United Democracy Center, Inc.
- p. Any person or entity with the domain or email address containing “@statesuniteddemocracy.org”
- q. Power the Polls
- r. Any person or entity with the domain or email address containing “@powerthepolls.org”
- s. The Elections Group
- t. Jennifer Morrell
- u. Ryan Chew
- v. Any person or entity with the domain or email address containing “@electionsgroup.com”
- w. The Brennan Center for Justice at NYU Law
- x. Elizabeth Howard
- y. Any person or entity with the domain or email address containing “@nyu.edu”
- z. Voces de la Frontera Action, Inc.
- aa. Voces de la Frontera, Inc.
- bb. Natalia Espina
- cc. Christine Neumann-Ortiz
- dd. Any person or entity with the domain or email address containing “@vdlf.org”
- ee. Dominion Voting, Inc.
- ff. Phil Schmidt
- gg. Yvonne Cai
- hh. @dominionvoting.com
- ii. Election Systems & Software, LLC
- jj. Any person or entity with the domain or email address containing “@essvote.com”
- kk. Fireside Campaigns

- ll. Any person or entity with the domain or email address containing “@firesidecampaigns.com”
- mm. Center for Election Innovation & Research
- nn. @electioninnovation.org

29. Any and all documents concerning or related to:

- a. Money, negotiable instruments, funds, or anything of a monetary value related to or concerning any individual or entity during the Requested Period that are related to and/or concerning the 2020 General Election for federal and Wisconsin State candidates held on November 3, 2020, including but not limited to payments received from or paid to the State of Wisconsin or any of its counties or political subdivisions, and any of the individuals and entities listed in this subpoena.
- b. Contracts with the State of Wisconsin or any of its counties or other political subdivisions during the Requested Period that are related to and/or concerning the 2020 General Election for federal and Wisconsin State candidates held on November 3, 2020.
- c. Training materials used by **WEC, the City of Green Bay, the City of Milwaukee, the City of Kenosha, the City of Racine, or the City of Madison**, their employees or agents or any third party about Wisconsin State election law and procedures or related to and/or concerning the 2020 General Election for federal and Wisconsin State candidates held on November 3, 2020.
- d. Electronic applications or data (including source code) in your possession related to any Wisconsin government entity or official (to include past or present elected or appointed officials).
- e. Electronic applications or data (including source code) in your possession related to any Wisconsin voter or a person eligible to vote in Wisconsin.
- f. Records in any form, format, or manner that indicate or show payment and/or a transfer of money, funds, valuables, or other negotiable instruments from **Center for Tech and Civic Life, Inc.**, to or from **WEC, the City of Green Bay, the City of Milwaukee, the City of Kenosha, the City of Racine, or the City of Madison** or an entity owned or controlled by **WEC, the City of Green Bay, the City of Milwaukee, the City of Kenosha, the City of Racine, or the City of Madison**.